

**UTAH BOARD OF PHARMACY
MINUTES
SEPTEMBER 26, 2006**

CONDUCTING: Roger Fitzpatrick

CONVENED: 9:25 a.m.

ADJOURNED: 1:30 p.m.

MEMBERS PRESENT:

Roger Fitzpatrick
Betty Yamashita
Marty Hill
Dominic De Rose
Dr. Mark Munger
Edgar Cortes

MEMBERS ABSENT

Shawna Hanson

DIVISION STAFF:

Craig Jackson, Division Director
Diana Baker, Bureau Manager
Penny Vogeler, Board Secretary
Connie Call, Probation Specialist
Jared Memmott, DOPL Investigator
Sandra Hess, DOPL Investigator
Karl Perry, Attorney Generals Office

GUESTS

Derek Garn /Wal-Mart
Ted Simper/ College of Pharmacy
Gerry Hassell/ Wal-Mart
Jody Johnson and Wife/ LSJ Drug
Jenn Bowcutt
Ryan Sagers/Tech Skills
Stacy Aiken/ Tech Skills

PROBATION REPORTS

Ms. Connie Call gave the probation report for the month of September. See attached disciplinary report.

**ADMINISTRATIVE BUSINESS:
Approval of August 22, 2006 minutes**

DECISIONS /RECOMMENDATIONS
Mr. Hill made a motion to approve the minutes as corrected. Seconded by Dr. Munger. Motion carried.

**PROBATION INTERVIEWS:
TIMOTHY BOWCUTT**

Mr. DeRose conducted the interview with Mr. Bowcutt. He was accompanied by his wife. Mr. Bowcutt is missing a therapist report. Mr. Bowcutt stated he understood it had been mailed in and would check with his therapist again. He was reminded that he had missed a few urine screens. He knew he had missed one and was not aware of the others. He was informed that all missed urines were considered positive screens.

He stated he is no longer working at Harmon's Pharmacy. He felt working there was not safe practice due to the fact that he felt they were so under staffed. He was working too many hours and did not want to jeopardize his license by making mistakes and dealing with the stress. He was promised by management of Harmon's that changes would be made, but after two months with no changes made within the pharmacy, he gave two weeks notice. He stated he had applied at Walgreens and was informed of a Medicare and Medicaid exclusion placed on his pharmacist license, and therefore they would not be able to hire him. Mr. Bowcutt is now going through the process to dispute this status.

Mr. DeRose complemented Mr. Bowcutt on his being aware of his sobriety in light of this stress, but he needed to become compliant. Dr. Munger reminded Mr. Bowcutt of the progress he has made since 1999 when he surrendered his license and that he needed to hold his head high because he is a good pharmacist. Mr. Bowcutt is not in compliance with the terms of his Order. His next meeting with the board will be in December.

DIANN MILLIKAN

Mr. Hill conducted the interview. Ms. Millikan stated her recovery is going very well. The Board is concerned about the timing of her employer reports. She was asked to see what can be done to have them submitted earlier. Ms. Milikan said she has already spoken with her boss about having these completed earlier. She was asked what the Board could do to help her and she responded by saying the Board has been great with her. She stated her last meeting with the Board helped her tremendously. She has paid her fine in full. Ms. Millikan is in compliance with the terms of her Order.

LAYNE KILPATRICK

Mr. Fitzpatrick conducted the interview with Mr. Kilpatrick. He is still working through issues in California. California is working with Utah to transfer jurisdiction to Utah regarding his criminal charges. He is employed at Olympus Pharmacy. He also started a staffing company, Moonlighting Services, in August of this year. This keeps him rather busy. Ms. Baker suggested he use the DOPL form at each site where he moonlights and have support personnel sign the form to document his working each shift. He submitted a letter to the Board requesting early release from his probation. He also asked about working under a physician doing compounding of Hormone Replacements. It was the feeling of the Board that they could not approve early release of probation until the issues with California were resolved. Mr. Kilpatrick cannot be supervised by a physician and therefore this request was not feasible. Dr. Munger replied that generally early probation would not be considered until one year from the release date. The Board complimented him on his accomplishments but felt having him remain on probation is in his favor.

**DISCUSSION ITEMS:
MICHAEL CENTINI**

Mr. Centini submitted a letter requesting early probation. He has never been out of compliance. Mr. Hill made a motion to grant release. Seconded by Mr. DeRose Motion carried. Dr. Munger abstained.

**DISCUSSION ITEM:
TECH SKILLS**

Mr. Ryan Sagers came before the Board to discuss Tech Skills training program for Pharmacy Technicians. He was accompanied by Stacy Aiken, Director of Student Services. Mr. Sagers stated they had been brought on board to help improve services at the Tech Skills campus in Murray. The Board was seeking information with regard to the twenty pharmacy tech students that were in the program at Tech Skills before they had the approval to begin technician training. Mr. Sager explained that a letter was sent to these students giving them two options: They could be issued a full refund or the opportunity to retest at Tech Skills and complete the required 180 hours of practical experience. There were 6 full refunds issued. Two completed their externships. Two students withdrew. Two completed their course and are now going through the placement process for practical hours. There were two students that were paid while doing their practical hours. The Board thanked Mr. Sagers for this information and felt good about the decisions that were made on behalf of the students.

**REQUEST FOR INTERVIEW:
THOMAS SHIOZAKI**

Mr. Thomas Shiozaki came before the Board and was interviewed by Mr. Fitzpatrick. Mr. Fitzpatrick read the letter previously submitted by Mr. Shiozaki requesting permission to work as a pharmacy technician. He now holds a probationary Pharmacist license and a revoked Controlled Substance dispensing license. The Board stated that he cannot work as a pharmacy technician because he

has a pharmacist license. It was explained to him that he needs to take the NAPLEX and MPJE exams. Mr. Shiozaki was encouraged to attend the University of Utah Pharmacology and Therapeutics class as offered by Dr. Munger to prepare for the exams.

**NEW APPLICATION:
NICHOLE KELLY**

Nichole Kelly was interviewed by Marty Hill. There were two issues the Board had with her application. One was the time line of her program and the other was the issue of her finding employment. She stated that she was not given any help from the Salt Lake Tooele ATC to find practice sites. However, a representative of the SL/T ATC had responded that Ms. Kelly was given 3 sites to obtain hours, but she had not followed school policy. Rather she was employed at Walgreens as a clerk and just waited for a training position to open and had not contacted the ATC. The Board is concerned about her training with Walgreens. She stated her practical hours were not well supervised by a pharmacist and she felt she was just thrown out there to learn on her own. A motion was made by Dr. Munger to grant the license and have Walgreens management come before the Board to discuss their pharmacy technician training program. Seconded by Betty Yamashita. Motion carried.

**NEW STIPULATION:
SHERYL LEDET**

Dr. Munger reviewed the Stipulation and Order in detail with Ms. Ledet since she did not arrange a time with the DOPL staff prior to the meeting. She was given opportunity to ask questions throughout the review. Ms. Leget stated there were some discrepancies in the Order, but she had signed it anyway. It was explained that the Order could not be changed now since she had signed it. She is currently in an out

patient program with New Horizons, in Davis County. She is presently not working. She stated she has no support system but is doing well in her recovery. She is seeing Dr. Jeppson at Layton Pain Clinic. Ms. Ledet stated she is doing urine screens as part of her criminal probation and wondered if those could be used for DOPL's purposes. The Board explained that DOPL does not accept urine screens from other treatment programs. However, the Board decided to use the court ordered counseling so Ms. Ledet does not have to do double counseling. Dr. Munger made a motion to invite her back next month after her stipulation has been looked into. Mr. Fitzpatrick stated the Board is here to help her through this time.

BOARD BUSINESS:
Advanced Isotopes of Idaho

Ms. Baker discussed the decision the Board had made previously, which was not to require a Utah License. This was open for more discussion for clarification and no further action was taken.

Next meeting

October 24, 2006

Roger Fitzpatrick, Chairperson

Date

Diana Baker, Bureau Manager

Date